

# UNITED STATES DISTRICT COURT

## Western District of North Carolina

UNITED STATES OF AMERICA

V.

JOHN GLENN MCABEE

) **JUDGMENT IN A CRIMINAL CASE**) (For **Revocation** of Probation or Supervised Release)

) (For Offenses Committed On or After November 1, 1987)

)

) Case Number: DNCW106CR000005-007

) USM Number: 48562-018

)

) Eric J. Foster

) Defendant's Attorney

**THE DEFENDANT:**

- ☒ Admitted guilty to violation of conditions 1-5 of the term of supervision.
- ☐ Was found in violation of condition(s) count(s) after denial of guilt.

**ACCORDINGLY**, the court has adjudicated that the defendant is guilty of the following violations:

Violation Number	Nature of Violation	Date Violation Concluded
1	DRUG/ALCOHOL USE	12/05/2015
2	FAILURE TO COMPLY WITH DRUG TESTING/TREATMENT REQUIREMENTS	12/11/2015
3	OTHER – FAILURE TO ATTEND AND COMPLY WITH THE RULES AND GUIDELINES OF MORAL RECONATION THERAPY (MRT) AS DIRECTED BY THE U.S. PROBATION OFFICER	12/11/2015
4	OTHER - THE DEFENDANT HAS VIOLATED THE CONDITION OF SUPERVISION THAT STATES "THE DEFENDANT SHALL NOT ASSOCIATE WITH ANY PERSONS ENGAGED IN CRIMINAL ACTIVITY, AND SHALL NOT ASSOCIATE WITH ANY PERSON CONVICTED OF A FELONY UNLESS GRANTED PERMISSION TO DO SO BY PROBATION OFFICER," IN THAT, THE DEFENDANT WAS SPECIFICALLY ADVISED BY HIS USPO NOT TO HAVE CONTACT WITH FELLOW SUPERVISED RELEASEE AND CONVICTED FELON, CASEY RADFORD. IN RESPONSE TO THIS, THEY MARRIED ON 10/12/2015.	10/12/2015
5	FAILURE TO COMPLY WITH DRUG TESTING/TREATMENT REQUIREMENTS	12/14/2015

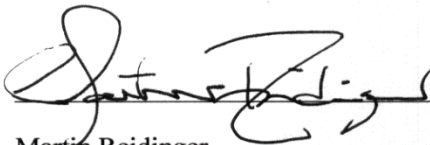
The Defendant is sentenced as provided in pages 2 through 3 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984, United States v. Booker, 125 S.Ct. 738 (2005), and 18 U.S.C. § 3553(a).

- ☐ The Defendant has not violated condition(s) and is discharged as such to such violation(s) condition.
- ☐ Violation(s) (is)(are) dismissed on the motion of the United States.

**IT IS ORDERED** that the Defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay monetary penalties, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence: 1/28/2016

Signed: February 1, 2016

  
 Martin Reidinger  
 United States District Judge



Defendant: John Glenn McAbee  
Case Number: DNCW106CR000005-007

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### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of TEN (10) MONTHS.

- ☒ The Court makes the following recommendations to the Bureau of Prisons:
- Participation in the Federal Inmate Financial Responsibility Program.
  - Participation in any available substance abuse treatment program and if eligible receive benefits of 18:3621(e)(2).
  - Defendant shall support all dependents from prison earnings.
  - Participation in any available mental health treatment programs.
  - Participation in any available educational and vocational opportunities.
  - Placed in a facility as close to Swain County, North Carolina, as possible for family visitation purposes, considering his security classification.
- ☒ The Defendant is remanded to the custody of the United States Marshal.
- ☐ The Defendant shall surrender to the United States Marshal for this District:
- ☐ As notified by the United States Marshal.
  - ☐ At \_ on \_.
- ☐ The Defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
- ☐ As notified by the United States Marshal.
  - ☐ Before 2 p.m. on \_.
  - ☐ As notified by the Probation Office.

### RETURN

I have executed this Judgment as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ at \_\_\_\_\_  
\_\_\_\_\_, with a certified copy of this Judgment.

\_\_\_\_\_  
United States Marshal

By: \_\_\_\_\_  
Deputy Marshal

Defendant: John Glenn McAbee  
Case Number: DNCW106CR000005-007

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### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments.

ASSESSMENT	FINE	RESTITUTION
\$0.00	\$0.00	\$0.00

☐ The determination of restitution is deferred until. An *Amended Judgment in a Criminal Case (AO 245C)* will be entered after such determination.

☒ In all other respects, the terms of the original judgment [Doc. 201] in this matter remain in full force and effect, including the order for payment of:

- ☒ restitution, there being a balance remaining in the amount of \$664.50.
- ☒ court-appointed counsel fees, there being a balance remaining in the amount of \$3,031.85.
- ☐ special assessment, there being a balance remaining in the amount of \$ .

### FINE

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the Schedule of Payments may be subject to penalties for default and delinquency pursuant to 18 U.S.C. § 3612(g).

☐ The court has determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ The interest requirement is waived.

☐ The interest requirement is modified as follows:

### COURT APPOINTED COUNSEL FEES

☐ The defendant shall pay court appointed counsel fees.

☐ The defendant shall pay \$0.00 towards court appointed fees.